

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE:

CHESTERFIELD DAIRY, LLC,

Debtor

Case No. 10-11888-JKC-11

MOTION TO DISMISS

Debtor, Chesterfield Dairy, LLC ("Debtor"), hereby moves to dismiss this case as follows:

1. Debtor filed its petition for relief under Title 11 of the United States Code ("the Bankruptcy Code") on August 8, 2010 (the "Petition Date"). On August 11, 2010 the Court conducted a hearing on the Emergency Motion of AgStar Financial Services ("AgStar"), a secured creditor asserting a lien on real property owned by the debtor, for Relief from Stay ("Motion for Relief"). On August 12, 2010 the Court granted Agstar's Motion or Relief.

2. The Motion for Relief relieved the Debtor of all of its material assets and foreclosed the possibility that it can reorganize. There are no known recovery actions available to a Trustee since the Debtor's operations ceased almost a year ago and have been under the supervision of a receiver since that time. As such, and in accordance with 11 USC § 1112 (b), cause exists for the dismissal, rather than conversion of this case.

WHEREFORE, the Debtor respectfully requests that the Court dismiss this case, and for all other relief just and proper in the premises.

Respectfully Submitted,

Chesterfield Dairy, LLC,

_____/s/ KC Cohen_____
KC Cohen

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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a copy of the foregoing was filed using the Court's ECF system and parties will be served via such system.

_____/s/ KC Cohen ____
KC Cohen